

IN THE SENATE OF THE UNITED STATES.

MARCH 30, 1880.—Ordered to be printed.

Mr. COCKRELL, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany bill S. 74.]

The Committee on Military Affairs, to whom was referred the bill (S. 74) for the relief of Lieut. Frank P. Gross, have duly considered the same, and submit the following report :

This bill directs the Secretary of the Treasury to pay to First Lieut. Frank P. Gross, United States Army, \$2,000, in full for all losses sustained by him by the burning of his quarters at Fort Clark, Texas, about April 19, 1869. Your committee referred the bill to the Secretary of War for information, and received from him the following communication :

WAR DEPARTMENT,
Washington City, May 16, 1879.

SIR: I have the honor to return Senate bill 74, for the relief of Lieut. Frank P. Gross, Ninth Cavalry, inclosed in your letter of the 1st ultimo, and to invite your attention to the inclosed report of the Adjutant-General, furnishing all the information in the case in possession of this department.

As it appears this officer lost all his personal effects by the burning of his quarters at Fort Clark, it would seem that the bill should receive favorable consideration.

Very respectfully, your obedient servant,

G. W. MCCRARY,
Secretary of War.

Hon. F. M. COCKRELL,
Committee on Military Affairs, United States Senate.

ADJUTANT GENERAL'S OFFICE,
Washington, May 15, 1879.

The Hon. SECRETARY OF WAR:

SIR: I have the honor to return, herewith, communication from Hon. F. M. Cockrell, of the Senate Military Committee, dated April 1, 1879, covering Senate bill 74, for the relief of Lieut. F. P. Gross, and to report as follows:

No information as to the fire at Fort Clark, Texas, on or about April 19, 1869, by which the quarters of Lieutenant Gross were destroyed, has been found, upon examination, in this office or that of the Quartermaster-General, or at post or department headquarters.

It having been reported by the present post commander that Capt. John M. Bacon, Ninth Cavalry, was commanding the post, and Lieut. F. P. Gross, Ninth Cavalry, post adjutant, at the date in question, the matter was referred to Colonel Bacon (now aid-de-camp to the General of the Army), who reports as follows, under date of May 14, 1879:

"Respectfully returned to the Adjutant-General, with the information that I was present and commanding the post of Fort Clark, Texas, on or about April 19, 1869, a
t

which time the quarters occupied by Lieut. F. P. Gross, Ninth United States Cavalry, were destroyed by fire.

"Lieutenant Gross had been regularly assigned for quarters to a log house of two rooms, with thatched roof; the fire originated in the roof, composed of dry grass or straw, by sparks from his cooking-stove, and burned with such rapidity that the occupants (Lieutenant Gross, wife and daughter) only escaped with their lives, losing their household goods and personal effects.

"The efforts of the garrison were directed (to ?), and succeeded in, saving the valuable hospital, the nearest building.

"Lieutenant Gross and family were the only sufferers by the fire."

I have the honor to be, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,

Adjutant-General.

The claimant, Gross, filed with his bill the affidavit of Col. John M. Bacon, dated January 1, 1870, who testifies that Lieutenant Gross was regularly assigned to the quarters, and that they were destroyed by fire on or about April 19, 1869, and that nearly all the personal effects of Lieutenant Gross and family were destroyed at the same time, and that the fire was purely the result of accident, caused by the combustible material composing the roof of the building; also, the affidavit of F. S. Davidson, First Lieutenant Ninth Cavalry, and late acting assistant quartermaster, Fort Clark, Texas, who testifies that the quarters of Lieutenant Gross at Fort Clark, Texas, were burned on or about April 19, 1869, and, with the building, nearly all his personal effects, together with the wardrobe of his wife and child, and that the fire was the result of accident, and entirely unavoidable on account of the inflammable material used in roofing the building, and that the building was old and almost entirely unserviceable as officers' quarters, having been used by troops of the Fourth Cavalry and others as barracks. Also, the affidavits of Orville Burke, late Captain Company C, Forty-first United States Infantry, and of Jennie Burke, his wife, each dated March 25, 1879. Captain Burke testifies that he was stationed at Fort Clark, Texas, and that on or about April 19, 1869, the quarters at that post regularly assigned to and occupied by Lieutenant Gross were destroyed by fire, and that, his quarters being contiguous, he was the first to discover the fire in the thatching composing the roof, and rushed into the quarters and found the ceiling of the quarters already on fire, being composed of muslin or canvas, and that burning pieces were falling, so that, although every effort was made, only a trunk containing a few articles was saved; and that, in his opinion, the fire occurred from sparks blown from the kitchen chimney of the hospital building adjacent, and that when he first discovered the blaze it was near the comb of the roof at the end next to the hospital, and that a strong wind was blowing at the time; and that he was well acquainted with Lieutenant Gross and his family and household affairs, and knows that Gross "was well supplied with all articles necessary to the comfort of his family, and that he was especially well supplied with clothing, military and otherwise, and that his wife and daughter were still more abundantly provided for, all of which, with trifling exceptions, were consumed with the quarters," and that he is satisfied that Gross's loss could not have been less than two thousand dollars, and that it was not the result of carelessness or negligence on the part of any member of his family; and that, from his knowledge of the facts, the said fire was the immediate result of neglect on the part of the government—on the part of its officers—in assigning Lieutenant Gross to quarters which were so peculiarly liable to be destroyed by fire, owing to their proximity to the hospital kitchen flue already mentioned and the thatching of grass or straw of which the

roof was composed. Mrs. Jennie Burke testifies that she was intimate with the family of Lieutenant Gross, and had personal knowledge of the affairs of his family, and "that in household effects they were abundantly supplied for a long residence on the frontier, and that in the matter of clothing the family was particularly well supplied, especially so in the case of Mrs. Gross, who had many valuable dresses, and in other matters of dress making up a lady's wardrobe she was equally well supplied; so that from her knowledge of the expense attending the purchase of such an outfit as they had, the loss of the family by fire must have been considerably above two thousand dollars; and "that a very small quantity of all they possessed was saved from the flames"; and that the quarters were old and dilapidated, roofed with a thatching of grass and ceiled with muslin, and had low chimney-flues, barely extending two feet above the thatching, and she believes the fire originated from a spark being blown into the thatching; and that Lieutenant Gross and family were very careful about fire, and that "it occurred through no want of care on their part, but was liable to be burned at any time by flying sparks from the flues of the hospital kitchen, over which Lieutenant Gross had no control."

Lieutenant Gross furnishes the following schedule of property lost by said fire, to wit:

Schedule of property lost by Frank P. Gross by the burning of his quarters at Fort Clark, Texas, on or about the 19th day of April, 1869.

One uniform coat, \$50; one uniform coat, \$30; one officer's blouse, \$25.	\$105 00
One pair uniform trowsers, \$14; one pair uniform trowsers, \$10; one vest, \$7.50; one uniform hat complete, \$17.50	49 00
One suit citizens' clothes, \$45; one citizens' overcoat, \$35	80 00
One pair boots, \$14; one pair boots, \$8; eight white shirts, \$2.50 each, \$20; four knit undershirts, \$2 each, \$8	50 00
One-half dozen gauze undershirts, \$1.50 each, \$9; three pairs red flannel drawers, \$7.50	16 00
Three pairs knit drawers, \$2 each, \$6; one dozen pairs socks, \$6	12 00
Eleven pairs linen drawers, \$1.50 each, \$16.50; two dozen handkerchiefs, \$9, \$18; one dozen collars, \$4	38 50
One-half dozen pairs Berlin gloves, \$5, \$2.50; one-half dozen pairs cuffs, \$10, \$5; two razors, \$2 each, \$4	11 50
Strap, \$1; mug and brush, \$1; Scott's Military Dictionary, \$6.50; DeHart's Court Manual, \$4	12 5
Mahan's Engineering, \$2; Jomini's Art of War, \$3; Halleck's Art of War, \$1.75	7 7
Halleck's Infantry Law, \$3; two volumes Ladies' Repository, \$3.50 each, \$7; one volume Godey, \$4.50	14 50
Bible, \$2.50; two testaments, \$2; two photograph albums, \$2.50 each, \$5 ..	9 50
One rocking-chair, \$6.50; three folding chairs, \$5 each, \$15; one folding chair, \$3; four camp-chairs, \$1.50, \$6	30 50
Thirty-five yards carpet, \$1.50, \$52.50; one cooking stove, \$55; one wash-boiler, \$3.50	111 50
Three bread-pans, 50 cents each, one porcelain kettle, \$2.75; one tea-kettle, \$2.25; one dish and one bread-pan, \$2.50 each, \$5	11 50
One coffee-dripper, \$3.25; six tin cups, 50 cents; six tin plates, 50 cents; one dipper, 50 cents; two jelly tins, 50 cents	5 25
Two jelly-molds, \$1.50 each, \$3; one kitchen table, \$4	7 00
Five table-cloths, \$4 each, \$20; one table-cover, \$4; three dozen napkins, \$4 each, \$12	36 00
One set stone china, \$40; one silver-plated caster, \$24; one molasses-pitcher, \$5	69 00
One dozen plated dining forks, \$10; one dozen ivory-handled knives, \$12 ..	22 00
One ivory-handled carving set, \$7.50; one dozen plated table-spoons, \$10 ..	17 50
One dozen silver tea-spoons, \$20; four silver table-spoons, \$4 each, \$16	36 00
One silver fork, \$5; one silver pickle-fork, \$3.50; one pair silver salt-spoons, \$3	11 50
One silver butter-knife, \$5; one silver napkin-ring, \$8	13 00

Three white spreads, \$5 each, \$15; two pairs white blankets, \$7.50 each, \$15; five pairs linen sheets, \$4 each, \$20.....	\$50 00
One pair linen sheets, \$7.50; five pairs cotton sheets, \$3 each, \$15; three pairs linen pillow-cases, \$2.50 each, \$7.50.....	30 00
Two bolster-cases, \$1, \$2; four plain pillow-cases, 50 cents, \$2; two pillows, \$2.50 each, \$5.....	9 00
One bolster, \$3; one dozen towels, \$7.50; one dozen towels, \$4; thirty yards muslin, 20 cents, \$6.....	20 50
One lamp, \$4.50; one lamp, \$3; one chamber set, \$6.50.....	14 00
One green silk dress, \$75; one India silk dress, \$35; one black and white silk dress, \$45.....	155 00
One silver-grey dress, \$60; one bombazine dress, \$65; one alpaca dress, \$40.....	165 00
One empress-cloth dress, \$60; one waterproof dress, \$25.....	85 00
One black silk wrapper, \$30; one plaid flannel wrapper, \$20.....	50 00
One riding habit, \$40; two muslin dresses, \$10, \$20; one linen lawn dress, \$10.....	70 00
Two calico dresses, \$4, \$8; one cloak, \$25; one brown felt hat, \$6.....	39 00
One sun hat, \$2.50; one parasol, \$5; one set furs, \$100.....	107 50
Six linen chemises, \$5, \$30; ten cotton chemises, \$1.50, \$25; eight night- gowns, \$3, \$24.....	79 00
Two combing sacques, \$4, \$8; six pairs linen drawers, \$1.50, \$9; eight pairs cotton drawers, \$1, \$8.....	25 00
One corset, \$5; two corset-covers, \$2, \$4; four pairs lisle-thread stockings, \$2.50, \$10.....	19 00
Two pairs silk stockings, \$3.50, \$7; ten pairs cotton stockings, 60 cents, \$6; one and one-half dozen collars, \$3, \$4.50.....	17 50
One dozen pairs cuffs, \$6; one point lace collar, \$35; one pair lace under- sleeves and collar, \$15.....	56 00
One dozen handkerchiefs, \$7.50; four handkerchiefs, \$1.50; four handker- chiefs, \$1, \$4.....	17 50
Two pairs shoes, \$5, \$10; one small trunk, \$5; one leather valise, \$8.....	23 00
One set jet jewelry, \$12; one pair cameo earrings, \$25; one set coral, \$50....	87 00
One gold thimble, \$8; one side-saddle, \$50.....	58 00
One child's silk dress, \$15; one brown dress, \$12.....	27 00
One garnet empress cloth dress, \$8; two marseilles dresses, 1 \$12, 1 \$8.....	28 00
Six common dresses, \$1.50, \$9; six white aprons, \$1.50, \$9; ten pairs draw- ers, 45 cents, \$7.50.....	25 50
Eight pairs stockings, \$1, \$8; three night-gowns, \$1, \$3; two cloaks, \$5, \$10.....	21 00
Eight pocket handkerchiefs, 25 cents, \$2; one pair shoes, \$3; one hat and feather, \$6.....	11 00
One set jewelry (child's), \$15.....	15 00
	<hr/> \$2,081 50

I certify on honor that the foregoing enumerated articles were burned with my quarters at Fort Clark, Texas, at the time above mentioned, and that the prices set opposite each item are correct and just to the best of my recollection and belief. I further certify that my loss was considerably greater than this paper shows, as, after the lapse of so many years, neither my wife or myself can recall every article destroyed, and many will not admit of being inventoried, so I confidently believe that two hundred dollars in addition to the above would not cover our entire loss.

FRANK P. GROSS,

First Lieutenant, United States Army. (Retired.)

Your committee find that the said fire occurred without any fault or negligence on the part of said Gross or family, and could not have been prevented by the exercise of reasonable care and attention and due diligence on the part of said Gross, and that he can in nowise be chargeable with any responsibility therefor.

The quarters occupied by him were old and of exceedingly inflammable material, very easily ignited, and were set on fire by sparks from the hospital chimneys, which was liable to occur at any time when the wind was blowing in the direction from the hospital toward the quarters.

Your committee further find that Lieutenant Gross was assigned to these quarters, and they were the only shelter, protection, or quarters

furnished him, and under his orders he had no discretion but to occupy them.

Your committee gave due consideration to this case and made as thorough examination as time and opportunities would afford as to the policy and precedents of the government in similar cases. Your committee find that by "An act for the relief of sundry persons in the service of the United States in consequence of the destruction of their tools by fire at the navy-yard, approved March 3, 1815" (6 Statutes at Large, page 155), a sum not to exceed \$5,000 was appropriated to pay "all claims for losses that have been sustained by artificers, mechanics, and other workmen in the employ or service of the United States for tools and other articles essential to and connected with their trade and occupation which have been destroyed by fire in consequence of burning the buildings of the navy-yard in the city of Washington;" and that by "An act for the relief of John Crosby and John Crosby, jr., approved April 26, 1816" (6 Statutes at Large, pages 167 and 168), "the proper accounting officers of the Navy Department were directed to settle the claim of John Crosby and John Crosby, jr., on account of the destruction by fire of their storehouse, goods, and wharf in the town of Hampden, in the State of Massachusetts, and to allow them in settlement thereof the value of said property destroyed as aforesaid."

Your committee further find that the following acts were passed by Congress in 1832, to wit:

AN ACT for the relief of the heirs and legal representatives of Edward Barry, deceased.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be paid to the heirs and legal representatives of Edward Barry, late a sailing master in the Navy of the United States, out of any money in the Treasury not otherwise appropriated, the sum of five hundred and sixty-eight dollars and thirty-five cents, in full compensation for the property of the said Edward Barry, destroyed in the conflagration of the navy-yard at Washington, in the year one thousand eight hundred and fourteen.

Approved July 14, 1832.

(Volume 6 Statutes at Large, private bills, page 520.)

AN ACT for the relief of the officers and soldiers of Fort Delaware.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Second Auditor of the Treasury be, and he is hereby, authorized and required to ascertain the amount of property lost by each officer and soldier in the conflagration which occurred at Fort Delaware, on the night of the eighth of February, one thousand eight hundred and thirty-one; and the amount so ascertained shall be paid out of any moneys in the Treasury not otherwise appropriated.

Approved July 14, 1832.

(Volume 6 United States Statutes at Large, private laws, page 512.)

And by "An act for the relief of the heirs and legal representatives of John Rose, sr., deceased, approved June 30, 1834" (6 Statutes at Large, page 594), a sum not to exceed \$2,500 was appropriated, to be paid for "the actual value of the property of John Rose, sr., late in the employ of the United States, as a machinist, at the navy-yard at Washington, but now deceased, which was destroyed by fire by the burning of said navy-yard in the year 1814." And that by

AN ACT for the relief of the United States troops who were sufferers by the recent disaster to the steamship San Francisco.

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That there shall be paid, under the direction of the President, to each of the officers, non-commissioned officers, musicians, and privates, who, on the twenty

first day of December, eighteen hundred and fifty-three, embarked at New York, under orders for California, on the steamship San Francisco, and who was on board that vessel on the occasion of her recent disaster at sea, and to Lieutenant Francis Key Murray, and other officer or seaman of the United States Navy who was on board the said steamship, under orders, a sum equal in amount to his pay and allowances for eight months.

SEC. 2. *And be it further enacted*, That if any such officer, non commissioned officer, musician, or private shall have died before receiving such payment from any cause consequent upon said disaster, his widow, if one survive him, and if not, then his minor children, if any there be, shall be paid a sum equal in amount to six months' pay and allowances of the deceased. And that the widows and minor children of those officers, non-commissioned officers, and privates who perished by this disaster, or who died from disease in consequence thereof, shall be allowed pensions in the same manner in all respects as if the said officers, non-commissioned officers, and privates had been killed in battle (10 Stat., 269).

Approved March 27, 1854.

AN ACT for the relief of certain officers of the Third United States Artillery, who suffered by fire at Fort Hamilton, New York Harbor, on the third of March, eighteen hundred and seventy-five.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting-officers of Treasury of the United States be, and are hereby, authorized to settle with the first lieutenants of the Third United States Artillery who lost their personal effects by fire at Fort Hamilton, New York Harbor, on the third of March, eighteen hundred and seventy-five, at a sum not to exceed six hundred dollars each, and a sufficient sum is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Approved January 30, 1877.

AN ACT for the relief of the sufferers by the wreck of the United States steamer Huron, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That to reimburse the survivors of the officers and crew of the United States steamer Huron, wrecked off the coast of North Carolina on the morning of the twenty-fourth of November, eighteen hundred and seventy-seven, for the losses incurred by them respectively in said wreck, there shall be paid, out of any money in the Treasury of the United States not otherwise appropriated, the following sums, to wit:

To William P. Conway, master, one thousand dollars.

To Lucien Young, ensign, one thousand dollars.

To Robert G. Denig, assistant engineer, one thousand dollars.

To Edgar T. Warburton, cadet-engineer, one thousand dollars; and the following-named survivors of the crew of said vessel, to wit: Patrick Kane, Michael Trainor, Joseph Murphy, William McHugh, Michael Kennedy, Frank Watts, Peter Duffy, Frederick Hoffman, William L. Houseman, Robert Sampson, Michael Durkin, Dominique O'Donnell, August Lindgrist, Daniel Devoy, J. J. Robertson, Dennis Deasy, Samuel Clark, John E. Holland, John Collins, W. W. Brooks, Harry W. Avery, Daniel Burge, Frank May, Harry Nelson, Thomas Price, Antoine Williams, Joseph Haynes, Thomas Carley, E. P. Trainer, Edward Aaronburg, one hundred dollars each.

With this long list of precedents, your committee does not feel willing to make Lieutenant Gross an exception. Your committee holds that no allowance should be made for any property not necessary and proper for Lieutenant Gross while in the service, in the line of duty; and not being able to determine from the evidence what articles claimed and destroyed were useful, necessary, and proper for such an officer whilst in the public service, or the exact value thereof, your committee recommend a substitute, by striking out all after the enacting clause and inserting the following, to wit: "That the Secretary of War is hereby authorized and required to ascertain the value of the property lost by First Lieut. Frank P. Gross, U. S. A., by the burning of his quarters at

Fort Clark, Texas, on or about the 19th day of April, 1869, without fault or neglect on his part, and the amount so ascertained is hereby appropriated for that purpose: *Provided*, That no allowance be made for any property except what was useful, necessary, and proper for such an officer whilst in quarters, engaged in the public service, or exceeding in amount the sum of two thousand dollars."

Your committee recommend the passage of said substitute.

24
The Committee on the part of the United States
has been very anxious to get the matter settled
and the United States has been very anxious to get
the matter settled.

Mr. [Name] has been very anxious to get the matter settled.

The Committee on the part of the United States
has been very anxious to get the matter settled
and the United States has been very anxious to get
the matter settled.

That is the way the matter has been settled
and the United States has been very anxious to get
the matter settled.

1st. The Committee on the part of the United States
has been very anxious to get the matter settled
and the United States has been very anxious to get
the matter settled.

2d. The Committee on the part of the United States
has been very anxious to get the matter settled
and the United States has been very anxious to get
the matter settled.

3d. The Committee on the part of the United States
has been very anxious to get the matter settled
and the United States has been very anxious to get
the matter settled.

4th. The Committee on the part of the United States
has been very anxious to get the matter settled
and the United States has been very anxious to get
the matter settled.

5th. The Committee on the part of the United States
has been very anxious to get the matter settled
and the United States has been very anxious to get
the matter settled.

6th. The Committee on the part of the United States
has been very anxious to get the matter settled
and the United States has been very anxious to get
the matter settled.

7th. The Committee on the part of the United States
has been very anxious to get the matter settled
and the United States has been very anxious to get
the matter settled.

8th. The Committee on the part of the United States
has been very anxious to get the matter settled
and the United States has been very anxious to get
the matter settled.